

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Matthew Colpitts, individually and on behalf of all others Blue Diamond Growers similarly situated

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sheehan & Associates, P.C., 505 Northern Blvd Ste 311,
Great Neck, NY 11021-5101, (516) 303-0552

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC § 1332, False Advertising

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date & Case No.

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/			[] 375 FALSE CLAIMS
[] 120 MARINE	[] 350 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] 625 DRUG RELATED	[] 422 APPEAL 28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	21 USC 881	28 USC 157	[] 410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER		[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 340 MARINE	PERSONAL PROPERTY			[] 450 COMMERCE
[] 152 RECOVERY OF DEFECTUALD	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 820 COPYRIGHTS		[] 460 DEPORTATION
STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 830 PATENT		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 480 CONSUMER CREDIT
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 840 TRADEMARK		[] 490 CABLE/SATELLITE TV
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE		SOCIAL SECURITY	
[] 195 PRODUCT LIABILITY		PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)	[] 850 SECURITIES/ COMMODITIES/ COMMODITIES/
[] 196 FRANCHISE	ACTIONS UNDER STATUTES		[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	
	CIVIL RIGHTS		[] 740 RAILWAY LABOR ACT	[] 863 DIWC/DIWV (405(g))	[] 890 OTHER STATUTORY ACTIONS
	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	VACATE SENTENCE 28 USC 2255	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI	[] 891 AGRICULTURAL ACTS
				[] 865 RSI (405(g))	
REAL PROPERTY					
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS		FEDERAL TAX SUITS	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT		[] 790 OTHER LABOR	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
[] 230 RENT LEASE & EJECTION	[] 443 HOUSING/ ACCOMMODATIONS		[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY 26 USC 7609	[] 895 FREEDOM OF INFORMATION ACT
[] 240 TORTS TO LAND	[] 444 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS			[] 896 ARBITRATION
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 555 PRISON CONDITION	[] 462 NATURALIZATION APPLICATION		[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 290 ALL OTHER	REAL PROPERTY	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[] 465 OTHER IMMIGRATION ACTIONS		[] 950 CONSTITUTIONALITY OF STATE STATUTES
	[] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ 5,000,000 OTHER

JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | |
| <input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [x] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [*] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Matthew Colpitts, 37 Wall St Apt 5J, New York NY 10005-2017, New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Blue Diamond Growers, 1802 C St, Sacramento CA 95811-1010, Sacramento County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 3/22/2020

SIGNATURE OF ATTORNEY OF RECORD
/s/ Spencer Sheehan

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[*] YES (DATE ADMITTED Mo. 07 Yr. 2012)
Attorney Bar Code # SS-2056

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.